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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,672

12/02/2003

Paul Brent Rivers

BE1-0025US

5089

49584

7590

08/02/2006

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EXAMINER

WATSON, ROBERT C

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/725,672	Applicant(s) RIVERS ET AL.	
	Examiner Robert C. Watson	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 11, 14, 15 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-13, 16-19, 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-10, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pace in view of Bajrick et al.

Pace shows an apparatus for running wire comprising a housing 11, a locking member 16, a piston 17, a coil spring biasing member 18 attached to the piston via a guide pin 19, a notch 24, a projectile 15, and a pull string 14. A wire or wires are subsequently attached to the projected pull string for installing the wire in the conduit. The frame surrounding the locking trigger may be termed a rail. The projectile and the pull string are connected to the projectile launcher.

Bajrick et al shows a similar projectile launcher. Bajrick et al discloses that the pull string may be dispensed separately from the projectile launcher.

To dispense the pull string separately from the projectile launcher in Pace would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Bajrick et al. One of ordinary skill in the art would have been motivated to do this in order to simplify the manufacture of the projectile launcher.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pace in view of Bajrick et al supra and further in view of Doud.

Doud teaches that a projectile firing device may have slots in the housing for receiving guide pins attached to the piston.

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To provide slots in the Pace housing for receiving guide pins attached to the piston would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Doud. One of ordinary skill in the art would have been motivated to do this in order to guide the movement of the projectile and to further provide a convenient means of retracting the piston into the housing against the bias of the spring.

Claims 3 and 21-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Pace in view of Bajrick et al supra and further in view of Grove.

Grove teaches that a projectile may be a deformable sack such as a bean bag and may further include a reflective or luminescent paint or a beacon such as a strobing light.

To make the projectile of Pace a deformable sack and to further include in the projectile reflective or luminescent paint or a beacon such as a strobing light would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Gove. One of ordinary skill in the art would have been motivated to do this in order to provide a convenient and inexpensive projectile that will reduce possible harm to the users and will be readily found after launch.

Claims 11, 14-15, and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/14/05 and 9/27/05.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 571 272-4498. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rcw



ROBERT C. WATSON
PRIMARY EXAMINER